

The Hon. Thomas Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ESTHER HOFFMAN, et al.,

Plaintiffs,

v.

TRANSWORLD SYSTEMS  
INCORPORATED, et al.,

Defendants.

Case No.: 2:18-CV-01132 TSZ

PLAINTIFFS' MOTION TO CONTINUE  
DEADLINE TO CONDUCT  
DEPOSITIONS

NOTED ON MOTION CALENDAR:  
June 24, 2022

**I. INTRODUCTION AND RELIEF REQUESTED**

On May 3, 2022, the Court entered an Order Continuing Deadlines, Dkt. #295, in which it authorized the parties to conduct the depositions of the Fed. R. Civ. P. 30(b)(6) witnesses for non-parties Boston Portfolio Advisers, Inc. ("BPA") and Pennsylvania Higher Education Assistance Agency ("PHEAA") within thirty (30) days of the Court's decisions on Plaintiffs' discovery motions pending at that time. On May 20, 2022, the Court entered its Order on the discovery motions. Dkt. #307.

The Plaintiffs scheduled the deposition of BPA's Fed. R. Civ. P. 30(b)(6) designated witness for June 16, 2022, within the thirty-day period authorized by the May 3, 2022 Order.

1 Unfortunately, BPA's designated representative is currently on medical leave and unable to be  
2 deposed. Accordingly, Plaintiffs request the Court to extend the deadline for the parties to  
3 conduct the depositions of the Rule 30(b)(6) representatives for BPA and PHEAA for an  
4 additional forty-five (45) days, to August 3, 2022, to enable the parties to conduct the authorized  
5 depositions.

## 6 II. FACTS

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8 On May 3, 2022, the Court granted the parties' stipulated motion, and entered an order  
9 authorizing the parties to conduct the depositions of the Fed. R. Civ. P. 30(b)(6) designated  
10 representatives of non-parties BPA and PHEAA. Dkt. #295. The Court's Order provides:

11 4. The parties are granted leave to take the deposition of the Fed.  
12 R. Civ. P. 30(b)(6) designated representative of subpoenaed non-party  
13 Boston Portfolio Advisers, Inc. ("BPA") within 30 days of the Court's  
decision on the pending Discovery Motions.<sup>1</sup>

14 5. The parties are granted leave to take the deposition of the Fed.  
15 R. Civ. P. 30(b)(6) designated representative of non-party Pennsylvania  
16 Higher Education Assistance Agency concerning the documents produced  
by BPA and BPA's testimony, if any, within 30 days of the Court's decision  
on the pending Discovery Motions.

17 *Id.* at 8.

18  
19 The Court entered its order on the then-pending discovery motions on May 20, 2022.  
20 Dkt. #307. The Plaintiffs noticed the deposition of BPA's Fed. R. Civ. P. 30(b)(6) witness for  
21 June 16, 2022—within the thirty-day period provided by Dkt. #295—and served a Subpoena on  
22 BPA's Registered Agent in Boca Raton, Florida to compel the witness's attendance at the  
23  
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25 <sup>1</sup> The Stipulated Motion and Order Continuing Deadlines defined the "Discovery Orders" as Dkt.  
26 #s 271 and 276, respectively the Plaintiffs' Motion for Sanctions Against Transworld Systems  
Inc. for Violation of Discovery Order and Plaintiffs' Motion to Compel Discovery.

deposition. Declaration of Guy W. Beckett in Support of Plaintiffs' Motion to Continue Deadline to Conduct Depositions ("Beckett Decl.") at 1-2 and Ex's 1, 2, 3 & 4.

Following service of the Subpoena on BPA, BPA served an objection to the Subpoena. *Id.* at 2 and Ex. 5. The Plaintiffs and BPA have resolved the objection and arrangements have been made for the deposition to occur, but BPA's designated representative is currently on medical leave recuperating from a recent surgery. Beckett Decl. at 2 and Ex. 6. BPA's attorney expects the witness to be able to sit for his deposition sometime at "the end of July" 2022. *Id.*

BPA has information relevant to this action and the parties should be permitted to conduct the deposition of its Rule 30(b)(6) witness. Also, because the Court previously authorized the parties to conduct the deposition of PHEAA's designated representative *after* the completion of BPA's deposition "concerning the documents produced by BPA and BPA's testimony, if any," the Court should also permit the parties to conduct the deposition of PHEAA's Rule 30(b)(6) witness. Accordingly, the Plaintiffs respectfully request the Court to extend the deadline for the parties to conduct the depositions of BPA's and PHEAA's Rule 30(b)(6)'s designated representatives for forty-five (45) days, to August 3, 2022.

DATED: June 16, 2022.

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